



## ATTENTION

Probate cases on this calendar are currently under review by the probate examiners. Review of some probate cases may not be completed and therefore have not been posted.

If your probate case has not been posted please check back again later.

Thank you for your patience.

Attorney  
Objector

Petty-Jones, Teresa B. (for Co-Conservators/Daughters Linda Inman and Carol Inman)  
Inman, Diana R. (Pro Per – Daughter – Objector)

**Second and Final AMENDED Account and Report of Co-Conservators Following Death of Conservatee; Petition for waiver of Fees to Co-Conservators; for Reimbursement for Out of Pocket Expense; for Allowance of Attorney Fee; for Order Discharging Co-Conservators, and Delivery of Assets**

<b>DOD: 1/23/15</b>		<p><b>LINDA INMAN and CAROL INMAN</b>, Co-Conservators, are Petitioners.</p> <p>Court records indicate a bond of \$4,000.00 was filed 4/24/79 re Linda Hurst (Inman) only, and a separate bond of \$4,000.00 was filed 4/23/92 re Carol Inman only.</p> <p><b>Account period: 1/24/15 – 3/20/16</b>  Accounting: \$67,206.71  Beginning POH: \$66,111.71  Ending POH: \$64,405.54  (\$5.54 cash plus personal property and real property in Fresno, separate schedule re real property in Florida)</p> <p><b>Co-Conservators waive compensation</b></p> <p><b>Carol Inman requests reimbursement of \$7,188.60</b> for monthly mortgage payments from January 2015 through March 2016, and ongoing. See Schedule G – Liabilities.</p> <p><b>Attorney: \$3,069.37</b> (\$2,431.87 plus \$637.50 in costs for 10.37 attorney hours @ \$250/hr, less discounts. See itemization at Exhibit 2.) <b>(See also Declaration filed 6/14/16 re additional fees incurred.)</b></p> <p>Petitioners state the Conservatee was receiving monthly income of \$12.00 from the Veterans Benefits Administration; upon her death, benefits ceased. The Conservatee received an overpayment of such benefits during her lifetime and on 3/9/15, Linda Inman received a letter from the Dept. of Veterans Affairs Debt Management Center requesting repayment in the amount of \$4,612.00. See Attachment 3 and Schedule G – Liabilities.</p> <p style="text-align: center;"><b><u>SEE ADDITIONAL PAGES</u></b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Bruce Bickel was appointed Administrator of the Decedent's estate 15CEPR00279 on 9/23/15 with bond of \$215,000.00. A status hearing re the filing of the Inventory and Appraisal therein is Page 11 of this calendar, as the estate is awaiting distribution from this conservatorship estate.</p> <p><b>Minute Order 5/12/16:</b> Any written objections are to be filed and properly served no later than 6/8/16. The Court will proceed on 6/23/16 if no written objections are filed.</p> <p><b>Update:</b> Objection was filed by Diana R. Inman, daughter, on 6/8/16. Conservator's Reply to Objections was filed 6/14/16. Teresa Petty also filed a Supplemental Declaration re fees and costs on 6/14/16. See additional pages.</p>	
<b>Cont. from 051216</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input type="checkbox"/>	<b>Inventory</b>			
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<input type="checkbox"/>	<b>Not.Cred.</b>			
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<input type="checkbox"/>	<b>Aff.Pub.</b>			
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<input type="checkbox"/>	<b>Letters</b>			
<input type="checkbox"/>	<b>Duties/Supp</b>			
<input type="checkbox"/>	<b>Objections</b>			
<input type="checkbox"/>	<b>Video Receipt</b>			
<input type="checkbox"/>	<b>CI Report</b>			
<input checked="" type="checkbox"/>	<b>2620(c)</b>			
<input checked="" type="checkbox"/>	<b>Order</b>			
<input type="checkbox"/>	<b>Aff. Posting</b>			
<input type="checkbox"/>	<b>Status Rpt</b>			
<input type="checkbox"/>	<b>UCCJEA</b>			
<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			

**Page 2 - Petitioners state** an order granting additional powers under § 1853 was granted 6/22/79, which included the right to borrow money and give security for the repayment thereof. In 1980 a small equity loan was received to maintain the conservatee's real property, which loan was timely paid. In or around 2005, a second equity loan was taken against the Conservatee's residential real property in the amount of \$50,000 to pay for necessary repairs and essential improvements, allowing the Conservatee to remain in her home. Due to limited income, co-conservator Carol Inman was required to be a co-borrower. During the life of the Conservatee, the conservatee's income was sufficient to pay the monthly mortgage to Chase Bank; however, since February 2015, Ms. Inman has been making the monthly payments from her personal funds to avoid foreclosure. Said payments will continue until the real property is sold or the Court orders her to cease payments. (Note: Schedule G indicates that the balance as of December 2015 was \$30,114.70 with a 3.75% interest rate, payable monthly in the amount of \$479.24. Carol Inman has continued payments and seeks reimbursement as noted above. (See Schedule G – Liabilities)

At the time of her death, the Conservatee was residing in her home and was receiving SSI as her means of support, which was automatically deposited to the conservatorship estate checking account. On 2/10/15, notice of her death was provided to California Dept. of Health Care Services and an estate recovery claim was filed against the estate in the amount of \$2,059.90. Notice has been forwarded to Bruce Bickel. See Schedule G – Liabilities.

**Petitioners pray for judgment of this Court that:**

1. Notice of Hearing of this account, report and petition be given as required by law;
2. The court make an order approving, allowing and settling the attached account and report of the co-conservators as filed;
3. The Court confirms Petitioner Carol Inman's right to reimbursement for post death and ongoing payments to Chase Bank upon the sale of the subject real property;
4. The Court authorize Bruce Bickel, Administrator of the Estate, to pay attorney fees in the mount of \$3,069.37 for legal services and expenses rendered to the conservatorship during the accounting period;
5. The Court authorize and direct Linda Inman and Carol Inman to deliver the property remaining in their possession to Bruce Bickel, Administrator of the Estate of Charlotte Inman, subject to a lien for any amounts of payments herein authorized that remain unpaid, and that on delivering the property and filing proper receipts, the co-conservators be discharged and the surety on their bond be discharged; and
6. The Court make such other relief as it considers proper.

**SEE ADDITIONAL PAGES**

**Page 3 - Objection filed 6/8/16 by Diana R. Inman states** she respectfully requests an expanded accounting period to include all accounts represented and unrepresented in the petition, detailing Conservator's activities beginning 2005, when Conservatee moved back to her financially free and clear residence in Fresno from Bremerton, WA.

Objector states the Conservator received an order dispensing accountings, but she did not obtain any such order. Conservator Linda Inman (aka Linda Hurst, aka Linda Hansen) received an Order Dispensing Accountings; however, Co-Conservator Carol Inman did not obtain any such order. No notice to Conservatee's children was given and Conservators falsely maintained they were continually being monitored by the Court.

Objector states the home equity loan of \$50,000 taken on or around 2005 with a balance of \$30,114 is excessive considering the limited amount of improvements, and 10 years of payments have been made. The bank deed shows \$150,000 available funds. Conservators maintain Conservatee made loan payments, so what did residing Conservator pay toward household expenses to support her claiming the Conservatee as a dependent on tax returns?

Citibank account loosely explains funds taken for funeral/final/household expenses. Diana and Carol paid 50/50 funeral costs, Carol purchased headstone. Request detail receipts of all conservatorship transactions for expanded accounting period including one year of prior utility statements.

Chase account balance high considering limited income of Conservatee. Did home equity line of credit fund this account? Does this account pay the HELOC while continuously being funded by it? Why did this account only show up on the Second and Final Account? How many other accounts did Conservators conveniently forget? Conservator Carol is an accounting professional and is well versed in this field so Objector further questions all accounting discrepancies. Explain and support all withdrawals from all accounts including Check #165 \$5,000 and \$720.44 cash.

No court review of this case according to information obtained from Court website from 1994 when Conservators moved with Conservatee to San Diego, then Biloxi, MS, then Bremerton, WA, returning to Fresno in 2005 without Court oversight until 2011. When Conservatee's initial diagnosis of breast cancer was given, why weren't her children timely and duly notified? Was the Court notified, and if so, when? Was a medical treatment plan initiated or refused by the Conservators? Did the Conservators charge fees to the estate for services without submitted a schedule to the Courts or giving notice to relatives?

Objector prays the Court will grant expanded accounting period in all areas of this conservatorship as deemed appropriate and to include 2005-2015 due to the numerous violations of the conservators' fiduciary duties through the life of this case.

**SEE ADDITIONAL PAGES**

**Page 4 - Reply to Objection filed 6/14/16 states** on 6/13/16, Attorney Petty-Jones received an enveloped postmarked 6/8/16 enclosing written objections filed 6/8/16. The document lacks a proof of service so it is unclear if Diana provided proper service upon all necessary parties as ordered by the Court.

Petitioner states Diana's objections are unfounded, without reasonable cause, and made in bad faith. The pleading contains numerous unrelated allegations and untimely questions. Furthermore, Diana asks the Court to reach beyond the matters at issue here by requesting an unnecessary expanded, detailed, and untimely account back to 2005. These unreasonable demands and unfounded allegations have caused unnecessary delay to closing this conservatorship and result in an increase in costs, expenses, and attorney fees. Petitioners request the Court order Diana to pay the compensation and costs incurred in defending this account pursuant to Probate Code §2622.5 et seq.

Petitioner states the estate of Charlotte Inman was and is a small estate as defined in Probate Code §2628. Her only assets were her home and a small piece of land outside California. Her income was limited to Social Security benefits and a small Veterans pension. This was true throughout the conservatorship and the conservatee's lifetime.

Moreover, the objections delve into matters of no consequence here. Objector is conflating issues and trying to raise irrelevant questions, the answers to which are of no consequence to this action. She should not be permitted to raise them now and this Court should not waste its time entertaining such irrelevant matters. Even assuming that was not fatal to Diana's claims, which it is, her objections fail in any event.

Diana's claim that she was not provided proper notice of the 1982 order dispensing future accountings is not true. See Response for details. Throughout the conservatorship, Diana never questioned or claimed any wrongdoings. If she had concerns regarding the handling of their mother's assets during her lifetime, she had ample opportunity to ask. She did not do so. Her claim of lack of notice in the conservatorship is irrelevant to the accounting.

**Regarding the Home Equity Loan:** The loan was approved for up to \$150,000, but only \$50,000 was needed to make the necessary repairs/maintenance.

**In 1991**, Linda's husband (military) received orders to move to Italy. Linda reached out to Diana and asked her to become Co-Conservator. Diana refused. Therefore, Carol, the youngest daughter, agreed to become Co-Conservator. Carol lived with and cared for the Conservatee daily from 1991-1994, when Linda returned. Linda picked up Carol and the Conservatee and they moved to Biloxi along with Linda and her husband to fulfill her husband's military orders. Diana and her family moved into the Conservatee's home where they remained until 2007. From 1994-2000, Diana paid the small mortgage in lieu of rent. The Conservatee's income continued to pay for property taxes and homeowners insurance.

**SEE ADDITIONAL PAGES**

**Page 5 – Response (Cont'd):** In 1997, Carol and the Conservatee moved with Linda and her husband from Biloxi to San Diego, and then to Bremerton, WA. In 2005, Linda and her husband divorced and Linda and the Conservatee moved back to Fresno and resided in the Conservatee's home along with Diana and her family until 2007, when, due to domestic violence issues, Diana and her family moved out.

Repairs and remodeling were necessary due to lack of maintenance while Diana lived there. For nearly two years, Linda worked to clean and repair the home, but the wear and tear on an aging home and a household with multiple children caused it to fall into disrepair. When the Conservatee cut her foot on damaged floor tile, the repair person advised new tile because they could not be safely repaired or replaced. With Carol's assistance, an equity loan was obtained and used to replace fixtures, appliances, windows, painting (interior and exterior), tree trimming, etc. Much labor was performed by Raymond Inman to stay within budget. (Raymond is the Conservatee's son and Petitioner's brother.)

Diana's claim of concern re the equity loan is nothing short of audacious. In 2000, Diana and Linda made a verbal agreement wherein Diana would put \$500/month into an account to cover damage/repairs to the home in lieu of rent. When Linda and the Conservatee returned in 2005 and saw the condition of the home, they asked about the funds, and Diana told them the account did not exist. Had Diana set aside the funds, the equity line of credit would not have been necessary.

Diana's request for an expanded accounting is irrelevant to the purpose of the 6/23/16 hearing on the accounting. The Court dispensed accountings in 1982 because this is a "small estate" under the probate code. The final accounting dates to the death of the Conservatee and there is no need for an expanded accounting.

Carol continues to make the monthly equity loan payment. There have been no late notices or claims of unpaid utility bills.

There have been four creditor claims filed in the probate estate by State of California Dept. of Human Health Services, Estate Recovery Division; Veterans Administration; Carol Inman; and Diana Inman. There is no validity or reasonable suspicion that any other bills remain unpaid or were not paid during the conservatee's lifetime.

Chase Account: The required information was disclosed in the accounting. Diana's curiosity is not sufficient to support a valid objections and events occurring outside the account period are irrelevant. The objection must fail.

Court review from 1995-2011: Lack of investigation during this period is irrelevant to the accounting and termination of the conservatorship. The Court had knowledge of the Conservatee moving out of state, as Diana herself spoke with the Court Investigator. In 2005, the Court was advised of her return. The Co-Conservators were available thereafter.

Notice of Diagnosis: This matter is irrelevant to the accounting.

Request for expanded accounting: This request is inappropriate given the 1982 order dispensing accountings on this small estate. Probate Code §2620(b) requires a final accounting after the conservatee's death. Nothing further is required.

**SEE ADDITIONAL PAGES**

**Dept. 303, 9:00 a.m. Thursday, June 23, 2016**

**Page 6 – Response (Cont’d):** If the Court determines that Diana's so-called objections are without reasonable cause and in bad faith, the Court may order Objector to pay the compensation and costs of the conservator and other expenses and costs of litigation including attorney's fees incurred to defend the accounting. Probate Code §2622.5(a). Diana has continued to bring up claims and objections irrelevant to the accounting, has made misrepresentations to the Court alleging lack of notice, and continues to try to drudge up questions from decades long gone for no purpose other than to hurt the co-conservators and mislead the Court.

**The increased costs, expenses and attorney's fees amount to \$1,489.00 as detailed in Attachment 1 in the Supplemental Declaration of Teresa Petty-Jones, filed concurrently. Petitioner states the objections should be denied and Objector should be ordered to pay \$1,489 as reasonable costs, expenses, and attorney's fees for defending her frivolous so-called objections.**

**NEEDS/PROBLEMS/COMMENTS:**

**Examiner's Note:** The attorney previously requested \$3,069.37 (\$2,431.87 plus \$637.50 in costs for 10.37 attorney hours @ \$250/hr, less discounts), per itemization at Exhibit 2 for services through 2/4/16. Declaration filed 6/14/16 includes itemized services through 6/14/16 with estimated time for appearance on 6/23/16, and includes further expenses.

**Therefore, the following issue exists:**

1. **Need revised order reflecting amount of fees granted, and the source of payment, if appropriate.** The revised order should also specify delivery of the assets to the personal representative of the estate in compliance with Local Rule 7.6.

Attorney Armo, Lance E. (for Virginia Sarabian – Petitioner – Daughter-in-Law)

Petition for Letters of Administration; Authorization to Administer under the IAEA

DOD: 02/25/2003		VIRGINIA SARABIAN, daughter-in-law, is petitioner.	NEEDS/PROBLEMS/COMMENTS:
		Sole heir waives bond	Minute Order 06/02/2016: Counsel represents that the only remaining heir is the spouse; the decedent's son is also deceased. Counsel is to file a verified declaration. Counsel states he will also be filing a petition with regarded to the deceased son.
Cont. from 060216		Full IAEA – o.k.	<b>Note:</b> If the petition is granted status hearings will be set as follows:
	Aff.Sub.Wit.		
✓	Verified	Decedent died intestate	<ul style="list-style-type: none"> <li>• Wednesday, 11/23/2016 at 9:00a.m. in Dept. 303 for the filing of the inventory and appraisal <u>and</u></li> <li>• Wednesday, 08/23/2017 at 9:00a.m. in Dept. 303 for the filing of the first account and final distribution.</li> </ul>
	Inventory	Residence: Fresno	
	PTC	Publication: The Business Journal	Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
	Not.Cred.		
✓	Notice of Hrg	<b>Estimated value of the Estate:</b> Real property - \$200,000.00	Reviewed by: LV
✓	Aff.Mail	Probate Referee: Rick Smith	
✓	Aff.Pub.		Reviewed on: 06/21/2016
	Sp.Ntc.		Updates:
	Pers.Serv.		Recommendation:
	Conf. Screen		File 2- Sarabian
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		



## Third Account Current and Report of Conservator; Petition for Allowance of Compensation to Conservator and Attorney

		<b>PUBLIC GUARDIAN</b> , Conservator, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> The accounting includes additional property received. The additional property was listed as part of the beginning property on hand. The beginning property on hand should be the same as the ending property of the 2 <sup>nd</sup> account. The additional property should have been listed as additional property received (line 2 of the charges). While technically incorrect the accounting still balances.  <b>Note:</b> If the petition is granted, status hearings will be set as follows:  <ul style="list-style-type: none"> <li><b>Wednesday, June 6, 2018</b> at 9:00 a.m. in Department 303, for the filing of the first account or petition for final distribution.</li> </ul> Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior the date set the status hearing will come off calendar and no appearance will be required.
		Account period: 7/27/13 – 3/31/16	
		Accounting - <b>\$118,404.09</b>	
		Beginning POH - <b>\$ 54,875.43</b>	
		Ending POH - <b>\$ 69,525.16</b> (\$35,037.78 is cash)	
<b>Cont. from</b>			
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>	Conservator - <b>\$1,278.48</b> (7.38 Deputy hours @ \$96/hr and 7.5 Staff hours @ \$76/hr)	
✓	<b>Aff.Mail</b>	Attorney - <b>\$1,250.00</b> (less than allowed per Local Rule)	
	W/	Bond fee - <b>\$612.48</b> (o.k.)	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>	<b>Petitioner prays for an Order:</b>	
	<b>Letters</b>	1. Approving, allowing and settling the third account;	
	<b>Duties/Supp</b>	2. Authorizing the conservator and attorney fees and commissions;	
	<b>Objections</b>	3. Payment of the bond fee.	
	<b>Video Receipt</b>		
✓	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
	<b>Citation</b>		
	<b>FTB Notice</b>		
		<b>Reviewed by:</b> KT	
		<b>Reviewed on:</b> 6/21/16	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 3- Barron</b>	

Probate Status Hearing

RE: Filing of the Second Account

			<p>NEEDS/PROBLEMS/COMMENTS:</p> <p style="text-align: center;"><b><u>OFF CALENDAR</u></b></p> <p>Second Account filed 6/20/16 is set for hearing on 8/2/16</p>
Cont. from			
	Aff.Sub.Wit.		
	Verified		
	Inventory		
	PTC		
	Not.Cred.		
	Notice of Hrg		
	Aff.Mail		
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
	Objections		
	Video Receipt		
	CI Report		
	9202		
	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			Reviewed by: skc
			Reviewed on: 6/21/16
			Updates:
			Recommendation:
			File 5- Crable

Attorney Thomas Markeson; Richard Harris (for Administrator Kevin Gunner)

## Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

<b>DOD: 10/29/2013</b>	<b>KEVIN GUNNER</b> , Attorney at Law, was appointed Administrator with Will Annexed with Full IAEA authority with bond of <b>\$384,000.00</b> on 2/11/2014. <i>Proof of Bond</i> was filed 2/21/2014. <i>Letters</i> issued on 2/24/2014.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 2/25/2015.</b> <i>Minute Order</i> states counsel requests a continuance pending resolution of the related civil action. No appearance is necessary on 6/23/2016 if the petition is filed at least two court days prior.					
<b>Cont. from 041015, 080615, 022516</b>	<b>Pursuant to Probate Code § 8800(b)</b> , <i>Final Inventory and Appraisal</i> was filed 7/17/2014 showing an estate value of <b>\$888,465.61</b> .						
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	<b>Pursuant to Probate Code § 12200</b> , first account and/or petition for final distribution was due 2/24/2015.	<table border="1"> <tr><td><b>Reviewed by:</b> LEG</td></tr> <tr><td><b>Reviewed on:</b> 6/21/16</td></tr> <tr><td><b>Updates:</b></td></tr> <tr><td><b>Recommendation:</b></td></tr> <tr><td><b>File 6 - Schofield</b></td></tr> </table>	<b>Reviewed by:</b> LEG	<b>Reviewed on:</b> 6/21/16	<b>Updates:</b>	<b>Recommendation:</b>	<b>File 6 - Schofield</b>
<b>Reviewed by:</b> LEG							
<b>Reviewed on:</b> 6/21/16							
<b>Updates:</b>							
<b>Recommendation:</b>							
<b>File 6 - Schofield</b>							
<input checked="" type="checkbox"/> <b>Verified</b>	<b>Minute Order dated 2/11/2014</b> from the hearing on the petition for letters of administration set this status hearing on 4/10/2015 for filing of the first account and/or petition for final distribution.						
<input type="checkbox"/> <b>Inventory</b>							
<input type="checkbox"/> <b>PTC</b>							
<input type="checkbox"/> <b>Not.Cred.</b>							
<input type="checkbox"/> <b>Notice of Hrg</b>							
<input checked="" type="checkbox"/> <b>Aff.Mail</b>							
<input type="checkbox"/> <b>Aff.Pub.</b>	<b>Status Report on Final Distribution filed 6/17/2016 by Attorney Markeson for the Administrator states:</b>						
<input type="checkbox"/> <b>Sp.Ntc.</b>	<ul style="list-style-type: none"> <li>This estate is not yet ready for distribution, and is likely insolvent; the Administrator has sold all personal and real property of the estate; some personal items have not yet been paid for nor picked up from the Administrator; Administrator is in possession of cash of <b>~\$50,000.00</b>; Preparation of the accounting schedules are in progress;</li> <li>The estate is a named defendant in the matter of <i>Diocese of San Joaquin and The Episcopal Church v. Shofield</i> (08CECG01425); the defendants appealed to the Fifth District Court of Appeal;</li> <li>On 4/5/2016, the Court of Appeal issued an opinion in favor of the Plaintiffs, and on 5/4/2016, modified its opinion but left the judgment intact;</li> <li>The Defendants filed a petition for review with the Supreme Court of California on 5/16/2016; the Court has at least <b>60</b> days to grant review, but the Court may extend the deadline for one or more additional periods up to <b>30</b> days;</li> <li>He requests this matter be continued to <b>9/26/2016</b> or later in order for the Supreme Court to act;</li> <li>If the Supreme Court grants review, additional time will likely be required; if review is not granted, the case will be over, according to litigation counsel.</li> </ul>						
<input type="checkbox"/> <b>Pers.Serv.</b>							
<input type="checkbox"/> <b>Conf. Screen</b>							
<input type="checkbox"/> <b>Letters</b>							
<input type="checkbox"/> <b>Duties/Supp</b>							
<input type="checkbox"/> <b>Objections</b>							
<input type="checkbox"/> <b>Video Receipt</b>							
<input type="checkbox"/> <b>CI Report</b>							
<input type="checkbox"/> <b>9202</b>							
<input type="checkbox"/> <b>Order</b>							
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<input type="checkbox"/> <b>UCCJEA</b>							
<input type="checkbox"/> <b>Citation</b>							
<input type="checkbox"/> <b>FTB Notice</b>							

## First Account and Report of Administrator and Petition for Allowance of Ordinary and Extraordinary Commissions and Fees and for Distribution

DOD: 7/13/14		NEEDS/PROBLEMS/COMMENTS:  <u>Continued to 8/23/16</u> at the request of the attorney.
Cont. from		
	Aff.Sub.Wit.	
	Verified	
	Inventory	
	PTC	
	Not.Cred.	
	Notice of Hrg	
	Aff.Mail	
	Aff.Pub.	
	Sp.Ntc.	
	Pers.Serv.	
	Conf. Screen	
	Letters	
	Duties/Supp	
	Objections	
	Video Receipt	
	CI Report	
	9202	
	Order	
	Aff. Posting	
	Status Rpt	
	UCCJEA	
	Citation	
	FTB Notice	
		Reviewed by: KT
		Reviewed on: 6/21/16
		Updates:
		Recommendation:
		File 8- Paregian

Attorney David J. Thelen, of Merced (for Guardian Dilila E. Aganza)

## Probate Status Hearing Re: Filing of the First Accounting

		<p><b>DILILA EULULIA AGANZA</b>, mother, was appointed Guardian of the Estate on 8/17/2016, with funds of <b>\$11,907.11</b> placed into a blocked account.</p> <p><b>Letters issued on 8/20/2015.</b></p> <p><b>Proof of Blocked Account was filed 10/20/2015</b> (attached to Corrected Final Inventory and Appraisal) showing funds of <b>\$9,123.56</b> deposited for the minor in a blocked account.</p> <p><b>Corrected Final Inventory and Appraisal filed 10/20/2015</b> shows an estate value consisting of all cash in the sum of <b>\$9,123.56.</b></p> <p><b>Minute Order dated 4/23/2015</b> from the hearing on the petition for appointment set the matter for status hearing on 6/23/2016 for filing of the first account of the Guardianship Estate.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need first account of the guardianship estate, or a verified Status Report with proof of service to all interested parties pursuant to Local Rule 7.5.</p> <p><b>Note:</b> Due to the delay in <i>Letters</i> being issued on 6/23/2016, the first account may not yet be due pursuant to Probate Code § 2620(a). Continuance of this status hearing may be necessary to allow additional time for filing of the first account.</p>
Cont. from			
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt	X		
UCCJEA			
Citation			
FTB Notice			
		<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 6/21/16</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 10- Gonzalez</b></p>	

**Status RE: Filing of the Inventory and Appraisal**

<b>DOD: 1/23/15</b>		<p><b>BRUCE BICKEL</b> was appointed Administrator with Full IAEA with bond of \$215,000.00 on 9/23/15.</p> <p>Bond was filed 10/6/15 and Letters issued 10/9/15.</p> <p>At the hearing on 9/23/15, the Court set this status hearing for the filing of the Inventory and Appraisal.</p> <p><b>Status Report filed 2/24/16 states</b> the decedent's conservatorship action Case No. 0237515 which currently holds possession of the assets has not yet concluded. The Second and Final Account is scheduled for hearing on 3/1/16, which petition asks that the assets be delivered to the administrator of the estate. The Administrator has not yet filed an Inventory and Appraisal because the assets have not come into this estate.</p> <p>Therefore, Ms. Horton humbly requests that this status hearing be continued to 3/1/16 or alternatively for 60 days.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Minute Order 5/12/16:</b> The matter is trailing the Conservatorship matter for delivery of assets. (See Page 1.)</p> <p><b>1. Need Inventory and Appraisal per Probate Code §8800 or current written status report per Local Rule 7.5.</b></p>
<b>Cont'd from 022516, 050516, 051216</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
<b>Aff.Mail</b>			
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
<b>Pers.Serv.</b>			
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
		<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 6/21/16</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 11- Inman</b></p>	

**12A In Re: Gramenz Family Living Trust Agreement Case No. 15CEPR00398**

Attorney: Steven S. Picone, (for Objectors Daniel Caballero &amp; Baldermar Martinez)

Attorney: Lisa Horton (for Petitioner Rande L Gramenz)

**Amended First Account and Report of Trustee and Petition for its Settlement**

		<b>RANDE L. GRAMENZ</b> , Successor Trustee, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Petitioner states settlor, Opal E. Gramenz, died on 12/28/12.	<b>Continued from 5/12/16.</b>
		Account period: 12/29/12 – 6/30/15	
<b>Cont. from 090115, 101315, 011916, 032216, 051216</b>		Accounting - <b>\$1,575,344.83</b>	
<input checked="" type="checkbox"/>	<b>Aff.Sub.Wit.</b>	Beginning POH - <b>\$1,432,128.43</b>	
<input checked="" type="checkbox"/>	<b>Verified</b>	Ending POH - <b>\$1,334,752.81</b>	
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>	<b>Petition states</b> pursuant to Article V section 1 of the trust he has paid his attorney \$5,000.00. Pursuant to Probate Code §15681 he is entitled to reasonable compensation from the Trust. Trust funds totaling \$14,850.00 have been used to pay Trustee's reasonable compensation for his services. This figure was derived from 1% of the total sale price (\$1,485,000) of the duplex.	
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W/	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
	<b>Pers.Serv.</b>		
	<b>Conf. Screen</b>	<b>Petitioner states</b> the decedent has a bank account at Chase with Kenneth Caballero for the purpose of having someone available to sign checks. Kenneth Caballero was a joint owner but never signed a check, deposited or withdrew funds from the account while the Decedent was alive. All of the funds in the account on Decedent's date of death were hers. After Decedent's death, Kenneth Caballero used some of the funds to pay for funeral expenses, but kept the remaining funds. Trustee demanded the funds so that they could be deposited into the trust account but Kenneth Caballero refused. Since Kenneth Caballero kept those funds, then in the sum of those funds (\$59,494.49, after the payment of funeral expenses) will be counted as a preliminary distribution and taken from Kenneth Caballero's distributive share.	
	<b>Letters</b>		
	<b>Duties/Supp</b>		
<input checked="" type="checkbox"/>	<b>Objections</b>		
	<b>Video Receipt</b>		
	<b>CI Report</b>		
	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
	<b>Aff. Posting</b>		<b>Reviewed by: KT</b>
	<b>Status Rpt</b>		<b>Reviewed on: 6/21/16</b>
	<b>UCCJEA</b>		<b>Updates:</b>
	<b>Citation</b>		<b>Recommendation:</b>
	<b>FTB Notice</b>	<b>Petitioner prays that the Trustee's first account and report be settled, allowed and approved as filed.</b>	<b>File 12A - Gramenz</b>

**12A**

## **12A In Re: Gramenz Family Living Trust Agreement Case No. 15CEPR00398**

**Objections to Amended First Account and Report filed by Daniel Caballero and Baldemar Martinez on 8/31/15.** Objectors object to the Accounting with respect to Petitioner Trustee's assertion that the joint checking account titled in the name of Kenneth Caballero and Opal Gramenz was a Trust asset and that Kenneth Caballero's beneficial interest in the Trust should be reduced by the amounts left in the joint account at the date of Opal Gramenz's death.

Petitioner's assertion that the funds in the Chase Bank joint account are trust assets and should be counted against Kenneth Caballero's share is flatly wrong as a matter of law. As such the accounting should be revised.

Probate Code §5302 (a) establishes in pertinent part that:

"Sums remaining on deposit at the death of a party to a joint account belong to the surviving party or parties as against the estate of the decedent unless there is clear and convincing evidence of a different intent. . ."

Petitioner has not alleged, let alone proven, that Opal Gramenz and Kenneth Caballero intended for the money held in the Chase joint checking account to be distributed in a different manner other than that provided for by law.

**Wherefore, Objectors pray as follows:**

1. That the Petition to Approve the Amended Account be denied;
2. That Rande L. Gramenz be ordered to file and serve a code compliant amended accounting of the Trust within 45 days of issuance of the order;
3. For costs, and for such other and further relief as the Court deems just and proper.

**Supplemental Objections to Amended First Account, Request for Surcharge, and Removal of Trustee and Appointment of Successor Co-Trustees filed on 6/10/16.** Objectors state:

1. The Successor Trustee has failed to account for the proceeds of accounts at Wells Fargo that were titled in the name of Opal Gramenz, which proceeds were misappropriated by Rande L. Gramenz on or around March 1, 2013.
2. Petitioners repeatedly requested information from Mr. Gramenz, through counsel, regarding his authority for removing these account proceeds. Respondent, Mr. Gramenz only provided them with documents which are attached as Exhibit "A" [a document from Wells Fargo Beneficiary Services showing Rande Gramenz as beneficiary/successor to the account.] It was only after issuing a subpoena to Wells Fargo Bank that Petitioners obtained the document attached as Exhibit "B" [13100 Affidavit]. As detailed in Exhibit "B", Mr. Gramenz executed a "California Affidavit of Collection of Estate Assets" in which he averred, under penalty of perjury, that he personally was the success in interest to Decedent Opal Gramenz' interest in the accounts.
3. The Wells Fargo account proceeds rightfully belong to the Trust, sinc Opal Gramenz had executed a pour-over will on 6/30/89. Mr. Gramenz was well aware that the Wells Fargo account proceeds did not belong to him, and instead belonged to the Trust, pursuant to the pour-over will. Mr. Gramenz' actions in taking the account proceeds were therefore in bad faith under Probate Code §859.

**Please see additional page**



## **12A In Re: Gramenz Family Living Trust Agreement Case No. 15CEPR00398**

4. In executing the small estate affidavit, in failing to them marshal the Wells Fargo Bank account proceeds for the Gramenz Family Trust, in personally taking the Wells Fargo Bank proceeds, then failing to account for them to the Trust beneficiaries, Rande Gramenz breached the Trust, and violated his fiduciary duty to Petitioners as beneficiaries.
5. The proceeds of these accounts should have been accounted for, but they are not identified in the Accounting filed by Respondent. Petitioners therefore object to the Accounting on this basis, and seek other relief as set forth below.

### **Request for Surcharge:**

A redacted copy of a Wells Fargo Statement of Accounts (attached to objections) demonstrated that as of January-February 2013 (the month following the death of Opal Gramenz) the accounts held a total of \$17,146.05. It has now been determined that Mr. Gramenz removed the contents of the Wells Fargo accounts and simply kept the proceeds.

Since Respondent Rande Gramenz is the currently acting Successor Trustee to the Trust, and is also the named Executor under the Last Will and Testament of Opal E. Gramenz, it is clear that Rande Gramenz knew that Wells Fargo Bank account proceeds were rightfully property of the Trust. As such, his taking of those account proceeds was willful and in bad faith. Pursuant to Probate Code §859, Petitioner requests that the Court surcharged Respondent, Rande Gramenz in the amount of twice the value of the property taken.

### **Petition for Removal:**

Probate Code §16002 establishes that a Trustee has a duty to administer the trust solely in the interest of the beneficiaries.

Probate Code §16004 establishes that a Trustee has a duty not to use or deal with trust property for the trustee's own profit or for any purpose unconnected with the trust.

Probate Code §16006 establishes that a Trustee has a duty to take reasonable steps under the circumstances to take and keep control of and to preserve the trust property.

Probate Code §16061 establishes that a Trustee has a duty to report to a beneficiary by providing requested information relating to the administration of the trust relevant to the beneficiary's interest.

Respondent Rande Gramenz violated all of the foregoing duties by taking property which was rightfully belonged to the Trust for his own use and benefit, and by then failing to acknowledge that he had done so. The Petitioners ultimately only confirmed that Rande Gramenz had taken Trust property with the use of a small estate affidavit from Wells Fargo Bank pursuant to a subpoena.

Since the Trustee has misappropriated money belonging to the Trust, and has attempted to cover up his actions in this regard by failing to acknowledge what he had done to the beneficiaries, the Trustee should be removed.

**Please see additional page**

**Petition Appointment of Successor Co-Trustees:**

The Trust provides that upon the death, resignation or inability to act of Rande L. Gramenz, Cupertino National Bank of Cupertino, California, shall act as sole Successor Trustee.

Unfortunately, Cupertino National Bank is no longer in existence. Petitioners therefor respectfully request that they be appointed as successor Co-Trustees.

**Wherefore, Objectors pray for the following:**

1. That the Petition to Approve the Amended Account be denied;
2. That Successor Trustee be surcharged for the amounts taken by him from the Wells Fargo Accounts and the Franklin Templeton Investments IRA;
3. That Successor Trustee be additionally surcharged under Probate Code §859;
4. That the Court issue and order removing Rande L. Gramenz as Successor Trustee of the Gramenz Family Living Trust;
5. That the Court issue and Order appointing Daniel Caballero and Baldemar Martinez as Successor Co-Trustees of the Gramenz Family Living Trust.
6. For attorney's fees and costs, and for such other and further relief as the Court deems just and proper,

**12B In Re: Gramenz Family Living Trust Agreement Case No. 15CEPR00398****Attorney: Steven S. Picone, (for Objectors Daniel Caballero & Baldermar Martinez)****Attorney: Lisa Horton (for Petitioner Rande L Gramenz)****Probate Status Hearing: Resolution**

	<b>RANDE L. GRAMENZ</b> , Successor Trustee, filed an Amended First and Final Account and Report of Trustee.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 5/12/16.</b> Minute order states parties are nearing resolution, with one small issue remaining.
<b>Cont. from 011916, 032216, 051216</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

**Daniel Caballero and Baldermar Martinez** filed objections to the accounting.

Minute order dated 10/13/15 set this status hearing.

**1.** Need current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.

<b>Reviewed by:</b> KT
<b>Reviewed on:</b> 6/21/16
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 12B- Gramenz</b>

**12B**

Attorney Amy L. Lopez (for Petitioner Mary Anne Wilson, mother)  
 Attorney Miles A. Harris (for Guardian Laurie Lee Cardoza, maternal cousin)

## Petition for Visitation

<b>Age: 12 years</b>		<b>MARY ANNE WILSON</b> , mother, is Petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 5/19/2016.</b> Minute Order states the Court orders that the letter from <b>DARLENE STIMSON</b> , Marriage and Family Therapist Intern, filed on 3/30/2016 be stricken from Court records and re-filed and scanned confidentially. Counsel requests a continuance for discussion towards resolution.
		<b>LAURIE LEE CARDOZA</b> , maternal cousin, was appointed Guardian of the Person on 10/13/2015. Letters issued on 11/10/2015.	
<b>Cont. from 042116, 051916</b>		<b>Petitioner requests</b> a graduated visitation plan for her son that would increase with time, as follows:	
<b>Aff.Sub.Wit.</b>		<ul style="list-style-type: none"> <li><b>First Five Visits:</b> Petitioner/mother shall have supervised visitation for 3 hours at Child Supportive Services; the visits shall take place on the first and third weekend of every month until the completion of the visits; Petitioner and the Guardian shall each be responsible for ½ of the payment of the visits;</li> </ul>	
<b>Verified</b>	X	<ul style="list-style-type: none"> <li><b>After completion of five supervised visits:</b> Petitioner/mother shall have unsupervised day visits on the first and third weekends of each month commencing on Saturday at 3:00 p.m. until 8:00 p.m. and Sunday at 10:00 a.m. until 1:00 p.m.;</li> </ul>	
<b>Inventory</b>		<ul style="list-style-type: none"> <li><b>After completion of five daytime visits:</b> Petitioner/mother shall have visitation on the first and third weekends of each month commencing on Saturday at 12:00 p.m. until Sunday at 1:00 p.m.;</li> </ul>	
<b>PTC</b>		<ul style="list-style-type: none"> <li><b>Telephonic visitation:</b> Petitioner/mother shall have private telephonic visitation with the child every Monday, Wednesday, and Friday at 7:00 p.m.; Ms. Cardoza shall insure the child is available for the telephonic visitation; in the event the child is unavailable, Ms. Cardoza shall have the child return the telephone call within 24 hours.</li> </ul>	
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>	X		
<b>Aff.Mail</b>	X		
<b>Aff.Pub.</b>			
<b>Sp.Ntc.</b>			
✓ <b>Pers.Serv.</b>	W/		
<b>Conf. Screen</b>			
<b>Letters</b>			
<b>Duties/Supp</b>			
<b>Objections</b>			
<b>Video Receipt</b>			
<b>CI Report</b>			
<b>9202</b>			
<b>Order</b>	X		
<b>Aff. Posting</b>			
<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			

Reviewed by: LEG

Reviewed on: 6/21/16

Updates:

Recommendation:

File 13- Nitti

**Petitioner states:**

- She requests the above visitation plan because she has tried numerous times to have visits with her son and Ms. Cardoza refuses to schedule a visit;
- This is the reason that she has not had consistent contact with Nicola
- Ms. Cardoza alleges that Nicola is afraid of her, but that is untrue; she believes this allegation is Ms. Cardoza's way of keeping her alienated from her son;
- She believes that with an order for consistent and graduated visitation time, she can re-establish her deep and abiding bond with her son and their relationship will be stronger and filled with trust;
- On 2/9/2016, the Court ordered for her to have a visit with Nicola later that day from 4:00 p.m. until 6:00 p.m. at a car-racing place for kids and adults; the visit was supervised by Ms. Cardoza;
- It was wonderful to see Nicola and she could tell he was happy to see her; when he first saw her, he ran to her and hugged her very hard; he was very loving to her; she could feel the warmth from him; they talked about school and what he had been doing; he held her hand during most of the visit and it was wonderful to see him; the hardest part was just spending time with him because Ms. Cardoza was constantly interrupting the visit and saying negative things to her in from of her son;
- Ms. Cardoza said, "I'm the only one that truly loves him." She finally had to ask her to stop saying such negative things in front of her son; also, it was very clear that Nicola was not afraid of her at any time; he was completely happy to see her and was very loving with her;
- She currently resides in Huntington Beach in her home with her ex-husband, **PHILLIP WILSON**; although she and Mr. Wilson dissolved their marriage, they are very much in a relationship and continue to reside together, and have been in a relationship for the past 2 years;
- Prior to the granting of the Guardianship, she was raising Nicola by herself from 2012 to 2015; in 2012, Nicola's father left and she has not heard from him again; Nicola was in the 3<sup>rd</sup> grade and during this time he did very well in school and had many friends; he enjoyed outings and sleep overs with his friends;
- In August 2014, she was offered a position as a Vice President of Sales & Marketing with a hotel in South Lake Tahoe
- Before she accepted this position, she spoke to Ms. Cardoza about temporarily keeping Nicola while she started her job and looked for an apartment; they both agreed that Nicola would stay with her and start school in August 2014 in Clovis, but that he would move with her as soon as she became settled in her position; she accepted the job offer and commenced work in South Lake Tahoe; after 3 weeks of employment she was informed that they had opted to go with a sales and marketing firm, and her position was soon terminated
- In September 2014, she returned to Fresno and resided with Ms. Cardoza; at this time she was having personal issues so she enrolled in the Comprehensive Addiction Program; during this program, she transferred and enrolled in the Universal Health Program, a same-day transfer and there was absolutely no break in the plans;
- After completing 5 ½ months in the programs she was one week short of completing the Universal Program when she had a dental emergency and she required a root canal, and left the Program one week early so she could see a dentist and have her tooth fixed; at this time, she had a social worker and spoke to her extensively before exiting the program;
- In February 2015 after exiting the program, she moved back to Huntington Beach; she spoke to Ms. Cardoza about taking Nicola with her, but they both agreed he should remain in school in Clovis to complete the semester;

**~Please see additional page~**

**Petitioner states, continued:**

- From February 2015 to June 2015, she called Nicola many times and tried to make arrangements to visit, but Ms. Cardoza always said that Nicola was afraid of her and did not want to see her;
- She believes these were just excuses made by Ms. Cardoza to keep her away from Nicola; she does not believe he was afraid of her; he had never been afraid of her in the past; there was never any domestic violence or abuse; Nicola and she were very close and bonded; this was just Ms. Cardoza's attempt to alienate her from her son;
- During this time, she was paying Ms. Cardoza ~\$600 to \$800 each month to help financially support Nicola;
- In June 2015, she told Ms. Cardoza she was coming to pick up Nicola since he was out of school; then she was served with the petition for guardianship of Ms. Cardoza; since she was served with the petition, she has had the most difficult time getting any visits with Nicola; when she has tried to arrange a visit, the first thing Ms. Cardoza says is that Nicola is afraid of her; she absolutely does not believe this is true; she believes he has been worked over and brainwashed to believe that he is afraid of her, but there is no merit to this allegation;
- She wants to the Court to know that she had been present for all Court hearing except one; she was granted to her request to be present via CourtCall on 10/27/15; prior to 10/27/15 hearing she contacted the Probate Clerk's Office prior to 9:00 and notified them she was unable to make the 9:00 call but would be calling in at 10:00; when she called at 10:00 she was unable to get connected to the courtroom and she even paid extra to make this telephone call; she immediately telephoned the Probate Clerk's Office to let them know what occurred, but there was nothing they could do;
- Thus the Guardianship was granted due to her absence; she now truly regrets not being present at the hearing because she would have had her opportunity to present her case to the Court; however, now it would be too costly and too time consuming to re-litigate the issue; she just wants to move forward and commence visits with her son;
- Additionally, she wants the Court to know she has remained sober for the past 17 months; she actively works on this sobriety daily; she is very proud of this fact since she has worked very hard to maintain her sobriety; it has been a touch road, but now she is glad that she has the opportunity to do this for herself; now she lives a very clean lifestyle; she owns her own home with her ex-husband and they are very settled in Huntington Beach; she just wants Nicola back residing with her after she shows consistent and on-going visitation with him;
- She is requesting telephonic visitation with her son as presently Ms. Cardoza is not allowing any telephonic visitation with Nicola; she will not put him on the telephone to talk to her; she texts her that "times are not convenient" or "he is not requesting to talk to me;"
- There is no way Ms. Cardoza is going to allow telephonic communication unless it is court ordered; she would also be happy to provide him with his own telephone;
- At this time, she just wishes to re-establish her visits with her son so that they can be in a better position to terminate the guardianship;
- She is requesting that the Court order the graduated visitation plan so that her visits can commence without delay.

**~Please see additional page~**

### 13, Third Additional Page, Nicola Nitti, III (GUARD/P) Case No. 15CEPR00568

**Guardian LAURIE CARDOZA filed on 3/30/2016 a Declaration of Statements to the Judge/Court for Review, stating:**

- Nicola is currently attending counseling services at this time; during his counseling sessions he has stated several times that he feels unsafe being in this mother's presence alone; he has been a victim of her substance abuse and has often had to care for himself;
- She is currently providing everything that Nicola needs; he has grown to be a part of their family and refers to her daughter as his sister;
- She feels that this visitation schedule does not meet Nicola's needs or her needs currently; the counselor has recommended he should not be alone with her due to all of her findings of negligence; he is afraid to be alone with her; he desires to "erase all the bad things his mom did" as quoted by his counselor, **DARLENE STIMSON**, Marriage and Family Therapist Intern;
- The visitation Mary Anne has requested will not meet Nicola's needs at this time because he is not emotionally ready; this is a process that needs to be gradually introduced throughout a period of time;
- She proposes visitation every other Friday from 3:00 p.m. to 6:00 p.m. at Child Supportive Services; she would also like to request a drug and alcohol test prior to every visit to ensure the safety of Nicola due to her history of substance abuse;
- She is providing everything for Nicola currently and does not agree to split costs for the visitation; Mary Anne should assume responsibility for the cost of the visitation as she is fully supporting Nicola;
- The counselor has recommended that Nicola needs to take responsibility to call his mother himself; he has not had a desire to call her nor made any attempts to call her since 2/9/2016, when he has the 2 hour visitation with her; he told her he will call her when he is prepared to talk; he has not had any desire to reach out to his mother;
- She agrees phone visitation would be every Wednesday and Sunday after 7:00 p.m.; she does not believe Nicola at 12 years old is ready for the responsibility of a cell phone so she rejects the offer to her providing a telephone; she will set up assigned times for him on Wednesday and Sunday to answer Mary Anne's phone call; however, she feels she should not force him to contact Mary Anne;
- Attached is a letter from Nicola's current counselor, Darlene Stimson; several sessions indicate he is still fearful of his mother, as stated in her findings and notes from her psychotherapy sessions;
- The Court Investigator, Dina Calvillo, also spoke with Nicola and he voiced to her his fear for his safety with his mother;
- She does not feel that Mary Anne has been sober for 17 months as she has stated, and because of her substance abuse she fears for Nicola's safety;
- She does not want any harm to come to him by these visitations, and she believes this must be a gradual process;
- Nicola has become very comfortable in the safety of their home and they love him very much.

**Reply Declaration filed by MARY ANNE WILSON on 5/13/2016 states** that in **LAURIE CARDOZA'S** response to her Request for Visitation, Ms. Cardoza makes numerous false allegations that she would like to respond to; also, attached to Reply to show no lapse in her participation in Comprehensive Addiction Program (CAP) are: *Exhibit A*, copy of CAP Discharge Questionnaire dated 11/20/2014; *Exhibit B*, copy of Universal Health Network and Systems Enrollment Notification letter dated 11/11/2014; *Exhibit C*, copy of dental records dated 2/3/2016 and 2/20/2015 for procedures performed after Ms. Wilson's departure one week early from program.

Attorney Mario D. Vega; Robert S. Parada; of Los Angeles (for John E. Rogers, Jr., Esq.)

**Petition for Letters of Administration; Authorization to Administer  
Under the Independent Administration of Estates Act**

<b>DOD: 4/27/2013</b>	<b>JOHN E. ROGERS, JR., ESQ.</b> , was appointed Special Administrator with no IAEA Authority without bond with special powers on 8/13/2015.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Continued from 6/2/2016.</b> Minute Order states counsel represents that a declaration was fax-filed yesterday, but the Court notes that there is no entry in Odyssey at this time. Counsel is admonished that the Court is considering imposing sanctions if a verified status report is not filed. The Letters of Special Administration are extended to 6/23/2016.
<b>Cont. from 091015, 102915, 060216</b>	<b>LETTERS OF SPECIAL ADMINISTRATION EXPIRE ON 9/10/2015; extended to 10/29/2015; extended to 6/2/2016; extended to 6/23/2016</b>	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/> <b>Verified</b>	<b>JOHN E. ROGERS, JR., ESQ.</b> , nominee of Decedent's father, <b>MELVIN COOPER, JR.</b> , is Petitioner and requests appointment as Administrator with Limited IAEA authority without bond.	
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>		
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Limited IAEA — OK	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	Decedent died intestate.	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>	Residence — Fresno Publication — Business Journal	
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>	<b>Estimated value of the Estate:</b> Personal property - <b>\$0.00*</b> <i>*The estate has no assets except for a wrongful death action with regard to Decedent's death.</i>	
<input checked="" type="checkbox"/> <b>Letters</b>		
<input checked="" type="checkbox"/> <b>Duties/Supp</b>	Probate Referee: <b>Steven Diebert</b>	
<input type="checkbox"/> <b>Objections</b>	<b>Petitioner states:</b>	
<input type="checkbox"/> <b>Video Receipt</b>	<ul style="list-style-type: none"> <li>The sole heir of the estate is Decedent's father, <b>MELVIN COOPER, JR.</b>, pursuant to Probate Code § 6402;</li> <li>Attorneys <b>NAZARETH HAYSBERT</b> and <b>MILIN CHUN</b> are attorneys with <b>BOUCHER LLP</b>, the law firm involved with the wrongful death lawsuit filed in federal court on behalf of Decedent's estate.</li> </ul>	
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>		
<input checked="" type="checkbox"/> <b>Order</b>	<b>Supplemental Declaration filed 10/27/2015</b> states [briefly] that John E. Rogers, Jr. is a licensed California Attorney who has no relationship to Decedent, but who would be able to obtain the necessary probate bond; the federal Court has ordered in the wrongful death action that responsive pleadings be filed by <b>12/11/2015</b> .	
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Note:</b> Court records show no status report has been filed as of 6/21/2016.
		<b>Note for background:</b> Minute Order dated 10/29/2015 states Counsel represents that there are no assets other than the anticipated proceeds from a successful personal injury case. The Court extends the Letters of Special Administration to 6/2/2016. A verified status report is to be filed by 5/31/2016, and Counsel is ordered to be personally present in court or via CourtCall on 6/2/2016.
		<b>~Please see additional page~</b>
		<b>Reviewed by:</b> LEG
		<b>Reviewed on:</b> 6/21/16
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 14 – Cooper</b>



**NEEDS/PROBLEMS/COMMENTS, continued:**

**Note Re Notice:** *Proof of Service by Mail of the Notice of Petition to Administer Estate* filed 10/1/2015 shows notice served to 7 of the 8 persons listed in Item 8 of the *Petition* was mailed to the same address in Fresno for each of the persons, who are identified as Decedent's father and adult siblings. Given that Decedent's father is entitled to inherit the entire estate at this time, address confirmation of the 8 persons is not requested.

**Note Re Special Administration:** *Ex Parte Order Appointing Special Administrator* filed 8/13/2015 authorizes the Petitioner special powers to pursue wrongful death litigation and to pursue any claims associated with the lawsuit on behalf of the Decedent's estate. *Ex Parte Petition* indicated that appointment of a special administrator was necessary to avoid dismissal of the initial wrongful death complaint which was filed 4/28/2015 by **BOUCHER, LLP**, in federal court without anyone having been appointed as administrator of Decedent's estate, and an amended complaint was required by 8/26/2015.

**Note Re Bond:** *Attachment 3(d)* to the *Petition* states Petitioner requests no bond be required until such time as assets come into the estate, as there are no funds with which to pay a bond premium. If assets are recovered from litigation on behalf of Decedent's estate, a petition to the Court will be required regarding the need for bond pursuant to Probate Code § 8482 and CA Rule of Court 7.204, which provides that immediately upon the occurrence of facts making it necessary or appropriate to increase the amount of the bond, the personal representative or the attorney must make an ex parte application for an order increasing the bond. Alternatively, the petition can request all funds be placed into a blocked account for the estate.

**Note Re Future Hearings:** If *Petition for Letters of Administration* is granted, Court may set status hearings as follows:

- **Thursday, December 1, 2016 at 9:00 a.m. in Dept. 303** for filing of inventory and appraisal; and
- **Thursday, August 24, 2017 at 9:00 a.m. in Dept. 303** for filing of first account and/or petition for final distribution.

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

Attorney Mario D. Vega; Robert S. Parada; of Los Angeles (for John E. Rogers, Jr., Esq.)

**Petition for Letters of Administration; Authorization to Administer  
Under the Independent Administration of Estates Act**

<b>DOD: 11/10/2013</b>	<b>JOHN E. ROGERS, JR., ESQ.</b> , nominee of Decedent's mother, <b>RAMONA TALAMANTEZ</b> , is Petitioner and requests appointment as Administrator with Limited IAEA authority without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>Continued from 6/2/2016.</b></u> Minute Order states Counsel is admonished that the Court is considering imposing sanctions if a verified status report is not filed.  <u><b>Note:</b></u> Court records show no status report has been filed as of 6/21/2016.  <u><b>Note for background:</b></u> Minute Order dated 10/29/2015 states Counsel represents that there are no assets other than the anticipated proceeds from a successful personal injury case. A verified status report is to be filed by 5/31/2016, and Counsel is ordered to be personally present in court or via CourtCall on 6/2/2016.
<b>Cont. from 091015, 102915, 060216</b>	Limited IAEA — OK	
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	Decedent died intestate.	<p><u><b>Note:</b></u> Court records show no status report has been filed as of 6/21/2016.</p> <p><u><b>Note for background:</b></u> Minute Order dated 10/29/2015 states Counsel represents that there are no assets other than the anticipated proceeds from a successful personal injury case. A verified status report is to be filed by 5/31/2016, and Counsel is ordered to be personally present in court or via CourtCall on 6/2/2016.</p> <p align="center"><b>~Please see additional page~</b></p>
<input checked="" type="checkbox"/> <b>Verified</b>		
<input type="checkbox"/> <b>Inventory</b>		
<input type="checkbox"/> <b>PTC</b>		
<input type="checkbox"/> <b>Not.Cred.</b>	Residence — Fresno	
<input checked="" type="checkbox"/> <b>Notice of Hrg</b>	Publication — Business Journal	
<input checked="" type="checkbox"/> <b>Aff.Mail</b>	W/	
<input checked="" type="checkbox"/> <b>Aff.Pub.</b>	<b>Estimated value of the Estate:</b> Personal property - <b>\$0.00*</b> <i>*The estate has no assets except for a wrongful death action with regard to Decedent's death.</i>	
<input type="checkbox"/> <b>Sp.Ntc.</b>		
<input type="checkbox"/> <b>Pers.Serv.</b>		
<input type="checkbox"/> <b>Conf. Screen</b>		
<input checked="" type="checkbox"/> <b>Letters</b>	Probate Referee: <b>Rick Smith</b>	
<input checked="" type="checkbox"/> <b>Duties/Supp</b>		
<input type="checkbox"/> <b>Objections</b>	<b>Petitioner states:</b> This estate has no assets and has been opened for the purpose of having a representative to file a wrongful death action with regard to Decedent's death.	
<input type="checkbox"/> <b>Video Receipt</b>		
<input type="checkbox"/> <b>CI Report</b>		
<input type="checkbox"/> <b>9202</b>	<b>Supplemental Declaration filed 10/27/2015</b> states [briefly] that John E. Rogers, Jr. is a licensed California Attorney who has no relationship to Decedent, but who would be able to obtain the necessary probate bond.	
<input checked="" type="checkbox"/> <b>Order</b>		
<input type="checkbox"/> <b>Aff. Posting</b>		
<input type="checkbox"/> <b>Status Rpt</b>		
<input type="checkbox"/> <b>UCCJEA</b>		
<input type="checkbox"/> <b>Citation</b>		
<input type="checkbox"/> <b>FTB Notice</b>		
		<b>Reviewed by:</b> LEG
		<b>Reviewed on:</b> 6/21/16
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 15 – Mendoza</b>

**NEEDS/PROBLEMS/COMMENTS, continued:**

**Note Re Bond:** *Attachment 3(d)* to the *Petition* states Petitioner requests no bond be required until such time as assets come into the estate, as there are no funds with which to pay a bond premium. If assets are recovered from litigation on behalf of Decedent's estate, a petition to the Court will be required regarding the need for bond pursuant to Probate Code § 8482 and CA Rule of Court 7.204, which provides that immediately upon the occurrence of facts making it necessary or appropriate to increase the amount of the bond, the personal representative or the attorney must make an ex parte application for an order increasing the bond. Alternatively, the petition can request all funds be placed into a blocked account for the estate.

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- **Thursday, August 24, 2017 at 9:00 a.m. in Dept. 303** for filing of first account and/or petition for final distribution.

Pursuant Local Rule 7.5, if the documents noted above are filed 10 days prior to the dates listed, the hearings will be taken off calendar and no appearance will be required.

## Petition for Appointment of Guardian of the Person

		See petition for details.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>Minute Order 5/26/16:</u> Continued due to late filed objections; Counsel is to come prepared with trial dates and time estimates on 6/23/16 is they want to proceed with trial.  <u>Note:</u> As of 6/21/16, nothing further has been filed.  <u>Note:</u> See Minute Order of 2/16/16 re supervised visitation orders for the father.  <u>Note:</u> Notice of Unavailability of Counsel filed 5/12/16 indicates various dates of unavailability.	
Cont. from 040716, 052616				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail			W
	Aff.Pub.			
	Sp.Ntc.			
✓	Pers.Serv.			W
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
✓	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 6/21/16	
			Updates:	
			Recommendation:	
			File 20- Cerda	

Petition for Appointment of Guardian of the Estate

		<b>TEMP DENIED 6/2/16.</b>  <b>SHER MOUA</b> , Father, is Petitioner and requests appointment as Guardian of the Estate with additional powers under Probate Code §2590.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> This petition was not reviewed because the proposed ward has attained majority; therefore, guardianship of the estate is inappropriate.
Aff.Sub.Wit.			
Verified			
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
		Reviewed by: skc	
		Reviewed on: 6/21/16	
		Updates:	
		Recommendation:	
		File 22A- Moua	

Request to Waive Court Fees (Ward)

		NEEDS/PROBLEMS/COMMENTS:  <u>CONFIDENTIAL</u>
Cont. from 060216		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 6/21/16
		Updates:
		Recommendation:
		File 22B- Moua

Request to Waive Court Fees (Ward)

		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>CONFIDENTIAL</u>
Cont. from 060216		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 6/21/16
		Updates:
		Recommendation:
		File 23B- Moua

Request to Waive Court Fees (Ward)

		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>CONFIDENTIAL</b></u>
Cont. from 060216		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 6/21/16
		Updates:
		Recommendation:
		File 24B- Moua



Request to Waive Court Fees (Ward)

		<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u>CONFIDENTIAL</u>
Cont. from 060216		
Aff.Sub.Wit.		
Verified		
Inventory		
PTC		
Not.Cred.		
Notice of Hrg		
Aff.Mail		
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.		
Conf. Screen		
Letters		
Duties/Supp		
Objections		
Video Receipt		
CI Report		
9202		
Order		
Aff. Posting		
Status Rpt		
UCCJEA		
Citation		
FTB Notice		
		Reviewed by: skc
		Reviewed on: 6/21/16
		Updates:
		Recommendation:
		File 25B- Moua